

AGENDA (2)

Exhibit 2

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 07V-5047

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IN THE MATTER OF THE PETITION OF QWEST CORPORATION FOR A VARIANCE AND A WAIVER FROM CERTAIN REPORTING REQUIREMENTS SET FORTH IN DECISION NO. C05-0802, PURSUANT TO AN AGREEMENT REACHED WITH THE STAFF OF THE COLORADO PUBLIC UTILITIES COMMISSION AND THE COLORADO OFFICE OF CONSUMER COUNSEL

PETITION FOR WAIVER AND VARIANCE

Qwest Corporation ("Qwest"), by its attorney, and pursuant to 4 CCR 723-1-1003, 4 CCR 723-1-1304(h) and 723-2-2003(b), seeks a variance and a waiver from reporting requirements set forth in Decision No. C05-0802. This Petition is being filed as the result of an agreement reached between Qwest, the Staff of the Colorado Public Utilities Commission ("Staff") and the Colorado Office of Consumer Counsel ("OCC"). In support, Qwest states:

I. INTRODUCTION

1. The Stipulation and Settlement Agreement in Consolidated Docket Nos. 04A-411T and 04D-440T provided that Qwest, Staff and the OCC would "agree to review and modify the administrative and reporting requirements under the existing metrics [for Qwest] to streamline reporting and administrative requirements to ensure that reporting requirements are timely and direct in the event additional remedial action by either Staff or the OCC is necessary to ensure adequate and reliable service." See Order Approving Settlement With Modifications, *In The Matter Of The Combined Application Of Qwest Corporation For Reclassification And Deregulation Of Certain Part 2 Products And Services And Deregulation Of Certain Part 3 Products And Service*, and *Staff Of The Colorado Public Utilities Commission's Petition For A Declaratory Order Concerning The Reclassification And Deregulation Of*

Telecommunications Services Under Parts 2 And 3, Title 40, Article 15 Of The Colorado Revised Statutes, Consolidated Docket Nos. 04A-411T and 04D-440T, Decision No. C05-0802, Attachment A, p. 21 (Co. P.U.C. June 28, 2005).

2. This requirement was contained in the portion of the Stipulation and Settlement Agreement concerning service quality. Although the discussions between Qwest, Staff and the OCC which ensued as the result of this requirement in the Stipulation and Settlement Agreement in Dockets Nos. 04A-411T and 04D-440T involved more than just service quality, this petition is limited to Qwest's reporting obligations with respect to service quality. Qwest will file a separate petition with the Commission seeking permission to modify other reporting obligations.

II. DESCRIPTION OF REQUEST FOR VARIANCE AND WAIVER

3. The discussions between Qwest, Staff and the OCC have resulted in an agreement to modify certain of Qwest's service quality reporting obligations as follows.

4. On October 31, 1997, U S WEST Communications, Inc., N/K/A Qwest, filed an Application for Specific Forms of Price Regulation. The Application was docketed as Docket No. 97A-540T. On October 29, 1998, Qwest, Staff and the OCC filed a Stipulation and Settlement Agreement resolving the Application. The Commission approved the Stipulation and Settlement Agreement with modifications on March 10, 1999. See Order Approving Stipulation with Modifications, *In The Matter of the Application Of U S West Communications, Inc. for Specific Forms of Price Regulation*, Docket No. 97A-540T and *The Application of the Mountain States Telephone and Telegraph Company Doing Business As U S West Communications, Inc., for Approval of a Five Year Plan for Rate and Service Regulation and for a Shared Earnings Program*, Docket No. 90A-665T, Decision No. C99-222 (Co. P.U.C. March 10, 1999).

5. The Stipulation and Settlement Agreement included, among other things, certain service quality reporting obligations. See Stipulation and Settlement Agreement, Section III.E.1. Certain of these reporting obligations were retained in the Order Approving Settlement With Modifications, *In The Matter Of The Combined Application Of Qwest Corporation For Reclassification And Deregulation Of Certain Part 2 Products And Services And Deregulation Of Certain Part 3 Products And Service*, and *Staff Of The Colorado Public Utilities Commission's Petition For A Declaratory Order Concerning The Reclassification And Deregulation Of Telecommunications Services Under Parts 2 And 3, Title 40, Article 15 Of The Colorado Revised Statutes*, Consolidated Docket Nos. 04A-411T and 04D-440T, Decision No. C05-0802, pp. 50-51 and Stipulation and Settlement Agreement, pp. 20-23 and Attachment 6. (Co. P.U.C. June 28, 2005).

6. Set forth in the left column of the table below is a description of certain reporting requirements set forth in Decision No. C05-0802. Set forth in the right column of the table below is a description of the manner in which Qwest, Staff and the OCC have agreed these reporting requirements should be modified for the future, and whether the relief sought to obtain the modification to the reporting requirement requires a waiver or a variance.

REPORTING REQUIREMENTS CREATED IN DECISION C99-222 AND RETAINED IN DECISION NO. C05-0802	
CURRENT REPORTING REQUIREMENT	NEW REPORTING REQUIREMENT
1. Annual retail service quality bill credit filing	1. Provide cover letter overview and two-page calculation summary annually. Discontinue the detailed support as it is duplicative of previously filed material - Variance.
2. Monthly retail service quality reports (includes 150 day held order report)	2. Eliminate three metrics - Waiver: <ul style="list-style-type: none"> a. Held orders over 150 days (Held orders will continue to be tracked and reported on an exception basis pursuant to 4 CCR 723-2-2006 (c)(d)); b. Held orders over 30 days by Wire Center (Held

	orders will continue to be tracked and reported on an exception basis pursuant to 4 CCR 723-2-2006 (c)(d));
	c. Dial Tone Speed. (Dial Tone Speed will continue to be tracked and be available upon request.)

III. REQUEST FOR VARIANCE AND WAIVER

7. The information described above is no longer required to monitor Qwest's operations given the manner in which Qwest is currently regulated. As a result, and pursuant to the agreement of Qwest, Staff and the OCC, Qwest seeks the waiver and variance described above.

8. Qwest requests that the variance from the annual retail service quality bill credit filing requirement be applicable beginning with its report due for calendar year 2007. Qwest requests that the waiver from the monthly retail service quality report filing be effective starting with the month the Commission's order granting the requested waiver is issued.

9. Set forth below are the disclosures required by 4 CCR 723-1-1003(c) and 723-2-2003(b):

- a. Name, complete address (street, city, state, and zip code), telephone number of person making the request, and name(s) under which the person making the request is providing or will provide telecommunications service in Colorado:

Qwest Corporation, 1801 California Street, Denver Colorado 80202.
Qwest provides telecommunications service in Colorado under the name "Qwest." Qwest requests that all questions about this Application be directed to the following individuals at the addresses given below:

David W. McGann
Qwest Services Corporation
1801 California Street, 10 Floor
Denver, Colorado 80202
(303) 383-6779
Facsimile: (303) 383-8543
E-mail: david.mcgann@qwest.com

John Kure
Qwest Services Corporation
1801 California Street, 47th Floor
Denver, Colorado 80202
(303) 896-6428
Facsimile: (303) 896-2726
E-mail: john.kure@qwest.com

- b. Citation to the specific paragraph of the statute, rule, or Commission decision and order from which waiver or variance is sought:

Order Approving Settlement With Modifications, *In The Matter Of The Combined Application Of Qwest Corporation For Reclassification And Deregulation Of Certain Part 2 Products And Services And Deregulation Of Certain Part 3 Products And Service*, and *Staff Of The Colorado Public Utilities Commission's Petition For A Declaratory Order Concerning The Reclassification And Deregulation Of Telecommunications Services Under Parts 2 And 3, Title 40, Article 15 Of The Colorado Revised Statutes*, Consolidated Docket Nos. 04A-411T and 04D-440T, Decision No. C05-0802, pp. 50-51 and Stipulation and Settlement Agreement, pp. 20-23 and Attachment 6. (Co. P.U.C. June 28, 2005).

- c. Statement of the waiver or variance requested:

Qwest seeks the waiver and variance described in Paragraphs 6 and 8 set forth above.

- d. Statement whether waiver or variance, if granted, would be permanent or temporary. If duration is temporary, statement of specific date or event which will terminate waiver or variance:

The waiver and variance sought are permanent.

- e. Statement whether waiver or variance, if granted, would be full or partial:

See Paragraph 6.

- f. Statement of facts and circumstances (not in conclusory form) relied upon to demonstrate good cause for granting the request:

See Paragraphs 1 through 7.

- g. Qwest prefers any hearings be held in Denver, Colorado;
- h. Qwest agrees to respond to all questions propounded by the Commission or its Staff concerning the petition;
- i. Qwest shall permit the Commission or any member of its Staff to inspect its books and records as part of the investigation into the petition;
- j. Qwest understands that if any portion of the petition is found to be false or to contain material misrepresentations, any relief granted may be revoked upon Commission order; and
- k. The Affidavit of John Kure is attached to this Petition and labeled Attachment 1.

III. CONCLUSION AND REQUEST FOR RELIEF

WHEREFORE, Qwest respectfully requests that the Commission:

1. Grant it the variance and waiver described in paragraph 6. Qwest requests that the variance from the annual retail service quality bill credit filing requirement be applicable beginning with its report due for calendar year 2007. Qwest requests that the waiver from the monthly retail service quality report filing be effective starting with the month the Commission's order granting the requested waiver is issued; and,
2. Grant such other and further relief as the Commission deems just and equitable.

Dated this 12th day of December, 2007

By:

Qwest Corporation


David W. McGann, No. 34521

Qwest Services Corporation
1005 17th Street, Suite #200
Denver, CO 80202
303-896-3892
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Attorney for Qwest Corporation

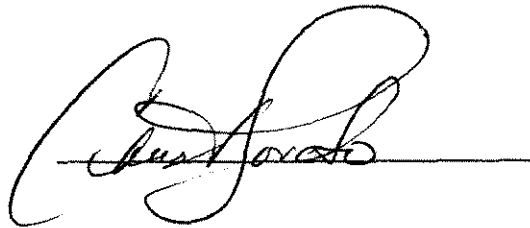
CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of December, 2007, an original plus 10 copies of the foregoing **QWEST CORPORATION'S PETITION FOR WAIVER AND VARIANCE** was hand-delivered to:

Doug Dean, Director
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202


and a copy was placed in the United States mail and/or sent via electronic mail to the following:

James A. Greenwood, Director
Office of Consumer Counsel
1560 Broadway, Suite 200
Denver, CO 80202
James.greenwood@dora.state.co.us

A handwritten signature in black ink, appearing to read "Doug Dean", is written over a horizontal line.

DOCKET NO. _____

AFFIDAVIT OF JOHN W. KURE


John W. Kure

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

Subscribed and sworn to before me this 12th day of November, 2007, by John W. Kure.

Notary Public

Commission Expires 2-5-2011